IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P. NO.2333 OF 2005

Sunil Padmanabha Suvarna ...Petitioner

Vs.

Deputy Commissioner of
Police & Anrs. ..Respondents

...

Mr.Shrirang Shrimani Advocate for Petitioner
Ms.S.V.Gajare A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 11, 2005

P.C.

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner has challenged the Show-Cause Notice dated 9.6.2005 issued against him by Respondent No.2 i.e. Special Executive Magistrate, Girgaum, Mumbai. The said show cause notice is issued in Chapter Case No. 45 of 2005. The petitioner has prayed that the chapter proceedings i.e. Chapter Case No.45 of 2005 be quashed.

3. In the present case, it is seen that a show cause notice has been issued to the petitioner. On instructions the learned A.P.P. has made a categorical submission that no final order has been passed in the said chapter proceedings and the matter is pending consideration before the Special Executive Magistrate.

4. In this view of the matter, I am not inclined to quash the chapter proceedings at this stage as in my opinion, it would be premature to quash the proceedings against the petitioner. The Special Executive Magistrate shall give sufficient opportunity to the petitioner to defend himself by leading evidence if necessary and thereafter, decide the proceedings. In case order is passed directing the petitioner to execute a bond or furnish surety, he shall be given three days time to furnish bond and surety.

5. The learned advocate for the petitioner states that he has sought for relevant documents in the proceedings in order to enable him to reply effectively to the show-cause notice. The learned

A.P.P. states that copies of the said relevant documents would be supplied to the petitioner on the petitioner making application for the said doucments.

5. Writ Petition is disposed of in terms of the above order.

[V.K.TAHILRAMANI,J.]